

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



PTO 01 APR 2005

| | | |
|--|---|--|
| Applicant's or agent's file reference 6/NPWW40008WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/IB 03/04353 | International filing date (day/month/year) 02.10.2003 ✓ | Priority date (day/month/year) 02.10.2002 ✓ |
| International Patent Classification (IPC) or both national classification and IPC B60J10/00 | | |
| Applicant GDx NORTH AMERICA, INC. et al. ✓ | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 30.04.2004 ✓ | Date of completion of this report 03.01.2005 |
| Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Christensen, J Telephone No. +49 89 2399-7863  |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/04353

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-36 received on 08.12.2004 with letter of 06.12.2004

Drawings, Sheets

1/10-10/10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/04353

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-36 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-36 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-36 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

V. Reasoned statement

V.1 State of the art

Document US 4908989 A (D2) discloses the features in the preamble of the independent claim 1 and is therefore considered as the closest prior art.

The invention refers to a strip for the window frame of a vehicle, the strip comprising a portion of elongated extruded material which has been partially removed and substituted by a different material moulded onto the extruded material. The invention differs from the closest prior art essentially in that, in the invention, the extruded material and the moulded material have window pane receiving surfaces which are in each case on different sides of the window pane, while in D2 both materials surround an edge of the window pane, thus receiving both sides of it.

V.2 Technical problem

To provide an alternative sealing, trimming or guiding strip for a window frame and its corresponding forming method, the strip of the type having a moulded section moulded onto a extruded portion.

V.3 Solution of the problem

The stated problem is solved in the invention by the special structure of the strip. The extruded material is only partially removed from the cross section of the strip, so that the receiving surface at the exterior side of the window pane remains in place and only the part corresponding to the interior surface of the pane is substituted by the moulded material. With this structure, the same extruded portion can be used all along the strip, providing different elements integrally formed or moulded onto it depending on the window elements (fixed, movable) in touch with the strip at each area of the window frame.

The strip disclosed in the document D2 includes as well a variable structure depending on the area considered. The division bar, which separates the movable window pane from the fixed one, is moulded on to the extruded portion at a corresponding cut out section, fully substituting the extruded material in the area between the window panes and not only

substituting a part of the cross section of the extruded portion.

Therefore, the technical problem is solved by the combination of features in the independent claims 1 and 18, which is neither known from nor suggested by the available prior art documents. These claims can thus be considered as new, inventive and industrially applicable according to Article 33(2),(3),(4) PCT.

Claims 2 to 17 and 19 to 36, as dependent on claim 1, would also meet the requirements of Article 33(2),(3),(4) PCT regarding novelty, inventive step and industrial applicability.

V.4 Clarity

The above made considerations notwithstanding, the application does not meet the requirements of Article 6 PCT, because the independent **claim 18** is not clear.

In this method claim, the characterising portion, which is supposed to define the difference between the invention and the state of the art, includes exclusively features of the strip formed by the method, and not any feature referring to the method itself.

Even when the method steps included in the preamble of the claim are, as such, known from the state of the art, it is its use to form the specific strip which comprises the difference to that state of the art. Therefore, to avoid clarity problems when interpreting it, a claim of this kind should be formulated in the **one-part form**, first defining the product, and then defining the forming process by the way of steps.

V.5 Other remarks

Document D2 should be mentioned in the description, stating the differences and advantageous effects of the invention with reference to this background art (Rule 5.1(a)(ii),(iii) PCT).

INTERNATIONAL SEARCH REPORT

Interr ☐ 1st Application No
PCT/IB 03/04353

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B60J10/00 B60J10/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B60J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|--------------------------------------|
| X | US 4 908 989 A (OMURA MASAYUKI ET AL) 20 March 1990 (1990-03-20) abstract column 3, line 25-56 figures 4,7-9 --- | 1,4,16, 20,21, 24,26, 36,40 |
| X | US 6 012 760 A (NOZAKI MASAHIRO) 11 January 2000 (2000-01-11) column 1, line 4-12 column 2, line 14-38 column 3, line 16-39 column 4, line 6-10 column 5, line 1-57 column 6, line 17 -column 7, line 24 figures 1,4,5,7-9 --- -/-- | 1,5,21, 25 |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A"-document defining the general state of the art which is not considered to be of particular relevance

"E"-earlier document but published on or after the international filing date

"L"-document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O"-document referring to an oral disclosure, use, exhibition or other means

"P"-document published prior to the international filing date but later than the priority date claimed

"T"-later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"-document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"-document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&"-document member of the same patent family

Date of the actual completion of the international search

12 January 2004

Date of mailing of the international search report

22/01/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Christensen, J

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB 03/04353

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|--|---|-----------------------|
| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| A | US 5 779 956 A (GARDNER ERIC E ET AL) 14 July 1998 (1998-07-14) abstract column 5, line 52 -column 6, line 9 figures 6,7 ----- | 1-42 |
| A | GB 2 302 558 A (ROVER GROUP) 22 January 1997 (1997-01-22) abstract page 4, line 10-18 figure 2 ----- | 1-42 |
| A | US 5 820 198 A (NOZAKI MASAHIRO) 13 October 1998 (1998-10-13) abstract column 3, line 35 -column 4, line 8 figure 5 ----- | 1-42 |

INTERNATIONAL SEARCH REPORT

International Application No
PCT/JP 03/04353

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|----------------------------|---------------------|
| US 4908989 | A | 20-03-1990 | JP 1989804 C | 08-11-1995 |
| | | | JP 2048228 A | 19-02-1990 |
| | | | JP 7005025 B | 25-01-1995 |
| | | | AU 616984 B2 | 14-11-1991 |
| | | | AU 3812489 A | 15-02-1990 |
| | | | CA 1320245 C | 13-07-1993 |
| | | | DE 3926473 A1 | 15-02-1990 |
| US 6012760 | A | 11-01-2000 | JP 10236239 A | 08-09-1998 |
| US 5779956 | A | 14-07-1998 | US 5566510 A | 22-10-1996 |
| GB 2302558 | A | 22-01-1997 | NONE | |
| US 5820198 | A | 13-10-1998 | JP 3186497 B2 | 11-07-2001 |
| | | | JP 8238935 A | 17-09-1996 |
| | | | JP 3146930 B2 | 19-03-2001 |
| | | | JP 8324250 A | 10-12-1996 |
| | | | US 5797644 A | 25-08-1998 |